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Attorney for Plaintiff
Ubelino Salinas-Ibarra

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

UBELINO SALINAS-IBARRA,

Plaintiff,

vs.

JAMIE ELLIS, INDIVIDUALLY AND AS AN
OFFICER OF THE SANTA CLARA POLICE
DEPARTMENT, DOES 1 THROUGH 20,
INCLUSIVE

Defendants.

Case No.: 5:17-CV-01137 BLF

PLAINTIFF'S OBJECTION TO
DEFENDANT'S BILL OF COSTS

BY AND THROUGH COUNSEL, Plaintiff respectfully request that this Honorable Court exercise its discretion under Fed. R. Civ. P. 54(d) and deny Defendant's Bill of Costs for the following reasons.

Federal Rule of Civil Procedure 54(d)(1) establishes that costs are to be awarded as a matter of course in the ordinary case. *Association of Mexican-American Educators v. State of California*, 231 F.3d 572, 593(9th Cir.). However, in a civil rights action, consideration of a plaintiff's limited resources is an appropriate reason for denial of costs. *Ibid*. Additionally,

PLAINTIFF'S OBJECTION TO DEFENDANT'S BILL OF COSTS

1 “imposing costs on losing civil rights plaintiffs of modest means may chill civil rights litigation”
2 that is important to the legal system. *Tubbs v. Sacramento County Jail*, 258 F.R.D. 657, 661
3 (E.D. Cal. 2009) (Quoting *Stanley v. Univ. of S. Cal.*, 178 F.3d 1069, 1079 (9th Cir.1999))

4 In this case, Plaintiff survived summary judgment on two of his three claims. Plaintiff
5 then proceeded to trial before this Court. While the jury verdict was not in the Plaintiff’s favor,
6 his claims were not without merit. Furthermore, Plaintiff is indigent and is unable to pay the
7 amount requested by the Defendant. (Plaintiff’s Declaration)

8 CONCLUSION

9 Given Plaintiff’s indigency and the nature of the action brought, Plaintiff asks that this
10 Court exercise its discretion and decline to tax costs against Plaintiff in any amount.

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13 Dated: July 5, 2018

By: /s/ Ralph Robles Jr.
Ralph Robles Jr.
Attorney for Plaintiff